

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 7, and 13 are currently being amended.

Claims 19, 20, and 21 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-21 are now pending in this application.

Claim 1 has been amended to add the steps of an independent supply chain computer collecting data of completed sales and information relating to distributors from a plurality of independent stores of a franchise supply chain utilizing a network; displaying a network-based interface for allowing access to the data and creating an electronic bulletin board on the network based interface that can display the information; mediating the information relating to the distributors and permitting only some of the information to be displayed on the electronic bulletin board using franchise rules of mediation; a supply chain management computer determining a level of reliance of the store on various distributors; receiving a selection of one of the distributors made based at least in part on the viewing of the information on the electronic bulletin board and at least in part based on the reliance of the store on the distributor; and generating an electronic order form based on the data utilizing the network-based interface for ordering goods from the one of the distributors. Note that the mediation based on franchise rules would typically entail rules such as managing the brand to ensure product consistency, removing sensitive information and ensuring that privacy is not violated, removing any store pricing information that could lead to a charge of price collusion, and removing information that is no longer timely. With respect to reliance, see

page 101 of applicants' specification, and regarding mediation, see the community management and community administrator discussion at pages 108-200, for example.

Claims 1-18 have been rejected under 35 USC 103 over Conklin in view of Kubota. This rejection is respectfully traversed. Conklin discloses a multivariate negotiation engine to facilitate a buyer search and evaluation of seller information, and to allow negotiation of orders and counter-offers. Note that in Conklin the buyers are independent, but are not franchisees buying the same set of products, with the same required quality levels from an approved set of distributors and suppliers. In Conklin each buying transaction is isolated from other transactions. Thus, there is no motivation in Conklin to create a bulletin board to obtain information from buyers on the performance of their respective sellers because in Conklin the same set of products are not involved and the buyers are not subject to the same quality standards. Likewise, because the Conklin system does not have any motivation to police brand consistency, or to prevent price collusion or prevent liable issues or privacy violations, there is no motivation for Conklin to set up a mediation operation to maintain franchise policy re the content put up on the electronic bulletin board. Likewise, Conklin has no motivation to determine reliance levels of stores on particular distributors. Each of the Conklin transactions is independent of the other transactions on the system.

Referring to Kubota, there is disclosed an electronic purchase support system designed to obtain feedback from independent buyers, by designating such buyers as charisma buyers who will get preferential purchase treatment in return for feedback information relating to compatibility information and examples of product configurations (para. 38), and information the charisma customer took into account in making his purchase and problems/defects that occurred after the purchase (paras. 52, 64, and 84). There is no disclosure of using an electronic bulletin board, much less using an electronic bulletin board to obtain comments on distributor capability. Also, there is no disclosure of generating information on reliance or over reliance by a store on a given distributor. Kubota does evaluate the usefulness of feedback information received from its charisma customers for purposes of providing incentive points to the charisma customer based on the value of the feedback information in helping customers to select products. However, the supplier is doing the evaluating, not a

supply chain manager, and there is no discussion of deleting feedback or otherwise mediating feedback based on franchise rules/policy.

Thus, neither of the references discloses the aspect of using an electronic bulletin board for displaying information about distributors from the independent stores where the information otherwise would not be available to those stores, and mediating that information based on franchise rules/policy, in addition to an interface for display of sales data, and coupled with a computer determination of reliance of the given store on the particular distributor, and with the decision on the selection of the distributor based at least in part on both the reliance determination and the mediated information on the electronic bulletin board.

As the examiner pointed out in the office action, neither reference discloses the use of an electronic bulletin board coupled with a network based interface. Likewise, there is no disclosure or suggestion of any determination of reliance, particularly in the context of an independent supply chain management system, where most of the stores are free to select any distributor they choose. As the examiner accurately points out, the Kubota disclosure discusses obtaining customer information on problems they have had with a product (after a distributor has delivered the product), not with information related to distributor performance to be used in the distributor selection. And there is no discussion in Kubota of mediation by a supply chain manager who is mediating based on a set of franchise rules/policy.

The office action states that official notice is taken of the use of bulletin boards to present information. However, in a normal operation of a negotiation engine, such as is described in Conklin et al. where there are independent sellers and buyers, with each sale being unrelated and not pursuant to franchise requirements, the provision of such a bulletin board would not make sense. Accordingly, if this is again asserted in a future office action, it is timely requested that this position be substantiated with prior art references, per MPEP 2144.03, and that a suggestion in the prior art be pointed out for a motivation to combine each of these elements to realize the claimed combination. In view of the fact that multiple elements are missing from these references, such proof is essential to nullify the potential that applicants' specification is being used as a blueprint for such a combination.

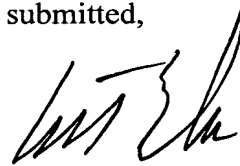
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By



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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874